

INTERPRETER

**U.S. District Court
Eastern District of Virginia – (Richmond)
CRIMINAL DOCKET FOR CASE #: 3:25-mj-00054-MRC-1**

Case title: USA v. Argueta–Diaz

Date Filed: 05/19/2025

Assigned to: Magistrate Judge Mark R.
Colombell

Defendant (1)

Luis Alonso Argueta–Diaz

represented by **Mark Damian Duda**
Office of the Federal Public Defender
701 E. Broad St.
Suite 3600
Richmond, VA 23219
804–565–0835
Email: mark_duda@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Ellen H. Theisen**
DOJ–USAO
Criminal
919 East Main Street

Suite 1900
 Richmond, VA 23219
 804-816-1292
 Email: ellen.hubbard@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: US Attorney

Date Filed	#	Docket Text
05/19/2025		Arrest of Luis Alonso Argueta-Diaz in Eastern District of Virginia – Richmond Division. (jsau,) (Entered: 05/20/2025)
05/19/2025	<u>1</u>	Arrest Warrant Returned Executed on 5/19/25 in case as to Luis Alonso Argueta-Diaz. (Attachments: # <u>1</u> Complaint from the District of New Mexico)(jsau,) (Entered: 05/20/2025)
05/19/2025	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Mark R. Colombell (Patricia Michelsen-King Interpreting): Initial Appearance in Rule 5(c)(3) Proceedings as to Luis Alonso Argueta-Diaz held on 5/19/2025; Matter came on for initial appearance on a warrant issued out of the District of New Mexico; Govt moved to unseal case – Granted; Deft advised of charges and rights; Deft submitted financial affidavit and requested court appointed counsel – Granted; FPD Mark Duda present and appointed for all Richmond hearings; Govt seeking detention – GRANTED; Deft requested Rule 5 hearings to be held in this district; Identity, Preliminary and Detention Hearings set for 5/21/2025 at 03:30 PM in Richmond Courtroom 5300 before Magistrate Judge Mark R. Colombell; Deft remanded.(FTR.)(jsau,) (Entered: 05/20/2025)
05/19/2025	<u>3</u>	CJA 23 Financial Affidavit by Luis Alonso Argueta-Diaz (jsau,) (Entered: 05/20/2025)
05/19/2025		ORAL ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Luis Alonso Argueta-Diaz. Mark Damian Duda appointed. (jsau,) (Entered: 05/20/2025)
05/19/2025	<u>4</u>	Temporary Detention Order as to Luis Alonso Argueta-Diaz. Signed by Magistrate Judge Mark R. Colombell on 5/19/25. (jsau,) (Entered: 05/20/2025)
05/21/2025	<u>5</u>	Pretrial Services Bond REPORT (Initial Pretrial Services Bond Report) (SEALED – government and defense counsel) as to Luis Alonso Argueta-Diaz. (McDaniel, Katelyn) (Entered: 05/21/2025)
05/21/2025		Interpreter Information: Emilia Trejo with Court Interpreting Services is the Interpreter. Spanish is the type of language required. Appointment is set for May 21, 2025 @ 3:30 PM for a Detention Hearing before Judge Colombell. (Lgar,) (Entered: 05/21/2025)
05/21/2025	<u>6</u>	Minute Entry for proceedings held before Magistrate Judge Mark R. Colombell (Emilia Trejo Interpreting): Matter came on for an Identity hearing, Preliminary hearing, and Detention hearing on 5/21/25; Deft submitted Rule 5 waiver as to identity hearing and to a preliminary hearing in this district; Court reminded counsel of prosecutorial obligations as required under Rule 5(f); Deft requests preliminary hearing in charging district; Govt adduced evidence by proffer on detention; Deft adduced evidence; Arguments heard; Findings stated from the bench; Deft to be released on bond with conditions; Govt oral motion to STAY release order for 48 hours pending an appeal to

		a district judge in the District of New Mexico – GRANTED; Order Setting Conditions of Release is STAYED for 48 hours pending an appeal in the District of New Mexico; Deft remanded. (FTR.)(jsau,) Modified on 5/22/2025 (jsau,). (Entered: 05/22/2025)
05/21/2025	<u>7</u>	WAIVER of Rule 5 Hearings by Luis Alonso Argueta–Diaz. (jsau,) (Entered: 05/22/2025)
05/21/2025	<u>8</u>	UNEXECUTED ORDER Setting Conditions of Release. Order STAYED for 48 hours pending an appeal in the District of New Mexico. (jsau,) (Entered: 05/22/2025)
05/22/2025	<u>9</u>	ORDER as to Luis Alonso Argueta–Diaz. For the reasons stated herein, the Order Setting Conditions of Release (ECF No. <u>8</u>) is hereby STAYED for a period of forty–eight (48) hours to allow the government to file an appeal of this Court's decision in the District of New Mexico. Defendant shall remain in custody of the United States Marshals pending the determination of the appeal, if filed, by the District of New Mexico. If no appeal is filed within the forty–eight hours, Defendant shall be released on the conditions outlined in Order Setting Conditions of Release (ECF No. <u>8</u>). Signed by Magistrate Judge Mark R. Colombell on 5/22/25. (jsau,) (Entered: 05/22/2025)
05/22/2025	<u>10</u>	DUE PROCESS PROTECTIONS ACT ORDER as to Luis Alonso Argueta–Diaz. Signed by Magistrate Judge Mark R. Colombell on 5/21/25. (jsau,) (Entered: 05/22/2025)
05/22/2025	<u>11</u>	UNITED STATES MOTION TO REVOKE RELEASE ORDER filed in the District of New Mexico on 5/22/25. (jsau,) (Entered: 05/23/2025)

MIME-Version:1.0
From:cmecf@vaed.uscourts.gov
To:Courtmail@localhost.localdomain
Bcc:
--Case Participants: Ellen H. Theisen (ellen.hubbard@usdoj.gov, heidi.brandon@usdoj.gov, marlee.hoskin@usdoj.gov), Magistrate Judge Mark R. Colombell (jessica_saunders@vaed.uscourts.gov, mara_shingleton@vaed.uscourts.gov, mark_colombell@vaed.uscourts.gov, mary_fritz@vaed.uscourts.gov, mrc_chambers@vaed.uscourts.gov, sean_tenaglia@vaed.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:12547311@vaed.uscourts.gov
Subject:Activity in Case 3:25-mj-00054-MRCVAED USA v. Argueta-Diaz Arrest - Rule 5
Content-Type: text/html

U.S. District Court

Eastern District of Virginia –

Notice of Electronic Filing

The following transaction was entered on 5/20/2025 at 8:31 AM EDT and filed on 5/19/2025

Case Name: USA v. Argueta-Diaz

Case Number: 3:25-mj-00054-MRC

Filer:

Document Number: No document attached

Docket Text:

Arrest of Luis Alonso Argueta-Diaz in Eastern District of Virginia – Richmond Division. (jsau,)

3:25-mj-00054-MRC-1 Notice has been electronically mailed to:

Ellen H. Theisen ellen.hubbard@usdoj.gov, Heidi.brandon@usdoj.gov, marlee.hoskin@usdoj.gov

3:25-mj-00054-MRC-1 Notice has been delivered by other means to:

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of New Mexico

DNA # E0424022

United States of America
v.
Luis Alonso ARGUETA-DIAZ

Case No.

25MJ1415

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Luis Alonso ARGUETA-DIAZ
who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Title 8 United States Code 1324(a)(1)(A)(v)(I), (a)(1)(A)(ii), and (a)(1)(B)(i) - did knowingly, intentionally, and unlawfully, conspire, combine, confederate, and agree with other persons knowing and unknown, to commit offenses against the United States, namely; to transport, move, and attempt to transport and move such alien within the United States by means of transportation and otherwise.

Date: 05/08/2025


Issuing officer's signature

City and state: Las Cruces, New Mexico

Gregory B. Wormuth, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) 05/08/2025, and the person was arrested on (date) 05/19/2025
at (city and state) Henrico, Virginia.

Date: 05/19/2025


Arresting officer's signature

Christopher Garzon, HSI SA
Printed name and title

FILEDUNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT MAY - 8 2025

for the
District of New MexicoMITCHELL R. ELFERS
CLERK OF COURT

United States of America)

v.)

Luis Alonso ARGUETA-DIAZ)

Case No. 25MJ145

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 4, 2025 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*Title 8 United States Code 1324(a)
(1)(A)(v)(I), (a)(1)(A)(ii), and (a)(1)
(B)(i)

Conspiracy to Transport an Illegal Alien

This criminal complaint is based on these facts:

See Affidavit, attached and incorporated herein, by reference.

☒ Continued on the attached sheet.

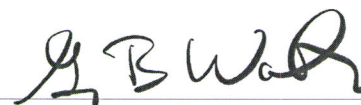
BEATRIZ TELLES

Digitally signed by BEATRIZ
TELLES
Date: 2025.05.07 11:45:44
-06'00'*Complainant's signature*

Beatriz Telles, HSI Special Agent

Printed name and title

Sworn to before me telephonically.

Date: 05/08/2025City and state: Las Cruces, New Mexico*Judge's signature*

Gregory B. Wormuth, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

United States v. Luis Alonso ARGUETA-DIAZ

On May 03, 2025, United States Border Patrol (USBP) Agents encountered a 17-year-old unaccompanied minor, citizen of Honduras (minor), at approximately 12:08 a.m., near Santa Teresa, New Mexico. The apprehending agents then determined that the minor had unlawfully entered the United States from Mexico at a time and place other than as designated by the Secretary of Homeland Security. On May 04, 2025, Homeland Security Investigations (HSI) Special Agent (SA) Telles received information from USBP regarding the apprehension of the minor. SA Telles interviewed the minor at a Central Processing Station in El Paso, Texas.

The minor stated that she was headed to Virginia to live with her boyfriend, the defendant, Luis ARGUETA-DIAZ, who is 35 years old. The minor further stated that she met her boyfriend, ARGUETA-DIAZ, through her mother, and that she had been dating ARGUETA-DIAZ for approximately one year.

The minor further stated that her mother was aware that she was headed to the United States to live with ARGUETA-DIAZ, and that ARGUETA-DIAZ arranged for her trip from Honduras to the United States. The total amount ARGUETA-DIAZ was going to pay was \$20,000 USD, however, ARGUETA-DIAZ has only paid \$3,500 USD. The remainder of the amount was to be paid once the minor reached her destination in the United States. The minor stated that ARGUETA-DIAZ lives in Virginia, and that he has been living in the United States for 19 years.

SA Telles spoke with ARGUETA-DIAZ on the phone, and ARGUETA-DIAZ stated that he was aware that the minor was en route to Virginia to live with him. ARGUETA-DIAZ stated he wanted to help the minor be in a safe place, and that he wanted the minor to help him take care of his three children.

ARGUETA-DIAZ further stated that he sent \$2,000 USD to the minor's mother in Honduras for the purpose of smuggling the minor into the United States. ARGUETA-DIAZ further stated that the full payment would be made once the minor arrived in Virginia.

SA Telles also spoke with the minor's mother who stated she received \$2,000 dollars from ARGUETA-DIAZ to arrange for the minor to be smuggled into the United States.

HSI Richmond interviewed ARGUETA-DIAZ on May 05, 2025. ARGUETA-DIAZ was advised of his *Miranda* rights, in Spanish, and agreed to speak with Agents. ARGUETA-DIAZ stated that the minor's mother told ARGUETA-DIAZ that she needed his assistance getting the minor out of the country.

ARGUETA-DIAZ stated that he sent \$2,000 USD to his mother, in Honduras, so she could give that money to the minor's mother. This was to assist with the smuggling fee for the minor to be smuggled into the United States, where she would live with him, and help him care for his children.

ARGUETA-DIAZ stated that he was going to receive a call from the smuggler once the minor entered the United States, to coordinate her transportation to Virginia.

AUSA Mark Saltman reviewed and approved this complaint.

Respectfully submitted,

BEATRIZ
TELLES

Digitally signed by
BEATRIZ TELLES
Date: 2025.05.07 11:50:3
-06'00'

Beatriz Telles, Special Agent
Homeland Security Investigations

Electronically submitted and telephonically
sworn before me on May 8, 2025.



Gregory B. Wormuth
Chief United States Magistrate Judge

CRIMINAL PROCEEDINGS — U.S. DISTRICT COURT, EASTERN DISTRICT OF VA, RICHMOND DIVISION

JUDGE: COLOMBELL

DOCKET NO. 3:25mj54

REPORTER: FTR

DATE: 5/19/25

UNITED STATES OF AMERICA

COUNSEL

v.

1. Luis Alonso Argueta-Diaz
Deft appeared via VTC () ZOOM ()1. Mark Duda (w)

APPEARANCES: GOVERNMENT Ellen Theisen (y)
 DEFENDANT WITH COUNSEL (x) DEFENDANT WITHOUT COUNSEL ()
 DEFENDANT NOT PRESENT () WAIVER OF APPEARANCE FILED ()
 INTERPRETER Patricia Michelsen (y)
King

BAIL STATUS: DEFENDANT ON BOND () DEFENDANT ON SUPERVISED RELEASE ()
 DEFENDANT INCARCERATED (v) BOND NOT SET ()

TYPE OF PROCEEDINGS: Rule 5
 INITIAL (v) ARRAIGNMENT () REARRAIGNMENT/GUILTY PLEA ()
 PRELIMINARY () DETENTION () MOTIONS () OTHER: ()
 INITIAL ON SUPERVISED RELEASE/PROBATION VIOLATION ()

PRELIMINARY PROCEEDINGS: WAIVER OF INDICTMENT EXECUTED, FILED ()
 CRIMINAL INFORMATION FILED ()
 OTHER ()

INITIAL HEARING PROCEEDINGS: DATE OF ARREST: 5/19/25 GOVT'S MOTION TO UNSEAL (x Granted)
 GOVT SUMMARIZED CHARGES (v) DEFT ADVISED OF RULE 5 RIGHTS (v)
 FINANCIAL AFFIDAVIT (v) COUNSEL TO BE APPOINTED (x) Mark Duda for Richmond hearings
 DEFT TO RETAIN COUNSEL ()
 GOVT'S MOTION TO DETAIN DEFT (v) ORDER OF TEMPORARY DETENTION (v) under 18 U.S.C
 DEFT REMANDED (v) DETENTION HEARING SET: 3006 A

PRELIMINARY HEARING PROCEEDINGS: GOVT ADDUCED EVIDENCE () DEFT ADDUCED EVIDENCE ()
 ARGUMENTS HEARD () FINDINGS STATED FROM BENCH ()
 DEFT WAIVED HEARING () PROBABLE CAUSE FOUND ()
 MOTION FOR CONTINUANCE () GOVT () DEFT () DEFT REMANDED ()
 WITNESS(ES) _____

DETENTION HEARING PROCEEDINGS: GOVT ADDUCED EVIDENCE () DEFT ADDUCED EVIDENCE ()
 ARGUMENTS HEARD () FINDINGS STATED FROM BENCH ()
 DEFT WAIVED HEARING () DEFENDANT CONTINUED ON PRESENT BOND ()
 DEFT HELD W/O BOND () FLIGHT RISK () DANGER ()
 GOVT NOT SEEKING DETENTION () DEFENDANT RELEASED ON BOND ()
 ELECTRONIC MONITORING () 3rd PARTY CUSTODIAN ()
 DEFT RELEASED ON SAME CONDITIONS AS PREVIOUSLY IMPOSED ()
 MOTION FOR CONTINUANCE () GOVT () DEFT ()
 DEFT REMANDED ()
 WITNESS(ES) _____

*Deft requests Rule 5
 hearings in this District

COURT REMINDED COUNSEL OF PROSECUTORIAL OBLIGATIONS AS REQUIRED UNDER RULE 5(F) ()

CASE CONTINUED TO: 5/21/25 @ 3:30PM FOR Rule 5 hearings
 CASE SET: 12:45 BEGAN: 12:52 ENDED: 1:14 TIME IN COURT: 22 minutes

MIME-Version:1.0
From:cmecf@vaed.uscourts.gov
To:Courtmail@localhost.localdomain
Bcc:
--Case Participants: Mark Damian Duda (lindsay_paiz@fd.org, mark_duda@fd.org, victoria_parrish@fd.org), Ellen H. Theisen (ellen.hubbard@usdoj.gov, heidi.brandon@usdoj.gov, marlee.hoskin@usdoj.gov), Magistrate Judge Mark R. Colombell (jessica_saunders@vaed.uscourts.gov, mara_shingleton@vaed.uscourts.gov, mark_colombell@vaed.uscourts.gov, mary_fritz@vaed.uscourts.gov, mrc_chambers@vaed.uscourts.gov, sean_tenaglia@vaed.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:12547348@vaed.uscourts.gov
Subject:Activity in Case 3:25-mj-00054-MRCVAED USA v. Argueta-Diaz Order Appointing Public Defender
Content-Type: text/html

U.S. District Court

Eastern District of Virginia –

Notice of Electronic Filing

The following transaction was entered on 5/20/2025 at 8:40 AM EDT and filed on 5/19/2025

Case Name: USA v. Argueta–Diaz

Case Number: 3:25–mj–00054–MRC

Filer:

Document Number: No document attached

Docket Text:

ORAL ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Luis Alonso Argueta–Diaz. Mark Damian Duda appointed. (jsau,)

3:25–mj–00054–MRC–1 Notice has been electronically mailed to:

Ellen H. Theisen ellen.hubbard@usdoj.gov, Heidi.brandon@usdoj.gov, marlee.hoskin@usdoj.gov

Mark Damian Duda mark_duda@fd.org, lindsay_paiz@fd.org, victoria_parrish@fd.org

3:25–mj–00054–MRC–1 Notice has been delivered by other means to:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA

v.

Criminal Case No. 3:25MJ054


LUIS ALONSO ARGUETA-DIAZ,

Defendant.

TEMPORARY DETENTION ORDER

Upon motion of the United States Attorney, and finding that this case involves (1) an offense described in 18 U.S.C. § 3142(f)(1)(A)-(E) or (2) a serious risk that the defendant will flee or will, or will attempt to, obstruct justice or threaten, injure, or intimidate a prospective witness or juror, pursuant to 18 U.S.C. § 3142(f)(2)(A)-(B), it is ORDERED that:

1. The defendant is committed to the custody of the Attorney General of the United States pursuant to 18 U.S.C. § 3142(i) for confinement in a corrections facility, separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
2. The defendant be afforded reasonable opportunity to consult with his attorney.
3. That the person in charge of the corrections facility deliver the defendant to the United States Marshal, and the United States Marshal produce the defendant before this Court on May 21, 2025, at 3:30 p.m. for an identity hearing, preliminary hearing, and detention hearing.
4. The Clerk is directed to FILE this Order electronically and notify all counsel of record and the United States Marshals Service, Richmond Division, accordingly.

_____/s/ 
Mark R. Colombell
United States Magistrate Judge

Dated: May 19, 2025
Richmond, Virginia

MIME-Version:1.0
From:cmecf@vaed.uscourts.gov
To:Courtmail@localhost.localdomain
Bcc:
--Case Participants: Mark Damian Duda (lindsay_paiz@fd.org, mark_duda@fd.org, victoria_parrish@fd.org), Ellen H. Theisen (ellen.hubbard@usdoj.gov, heidi.brandon@usdoj.gov, marlee.hoskin@usdoj.gov), Magistrate Judge Mark R. Colombell (jessica_saunders@vaed.uscourts.gov, mara_shingleton@vaed.uscourts.gov, mark_colombell@vaed.uscourts.gov, mary_fritz@vaed.uscourts.gov, mrc_chambers@vaed.uscourts.gov, sean_tenaglia@vaed.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:12550508@vaed.uscourts.gov
Subject:Activity in Case 3:25-mj-00054-MRCVAED USA v. Argueta-Diaz Interpreter Information
Content-Type: text/html

U.S. District Court

Eastern District of Virginia –

Notice of Electronic Filing

The following transaction was entered on 5/21/2025 at 11:54 AM EDT and filed on 5/21/2025

Case Name: USA v. Argueta-Diaz

Case Number: 3:25-mj-00054-MRC

Filer:

Document Number: No document attached

Docket Text:

Interpreter Information: Emilia Trejo with Court Interpreting Services is the Interpreter. Spanish is the type of language required. Appointment is set for May 21, 2025 @ 3:30 PM for a Detention Hearing before Judge Colombell. (Lgar,)

3:25-mj-00054-MRC-1 Notice has been electronically mailed to:

Ellen H. Theisen ellen.hubbard@usdoj.gov, Heidi.brandon@usdoj.gov, marlee.hoskin@usdoj.gov

Mark Damian Duda mark_duda@fd.org, lindsay_paiz@fd.org, victoria_parrish@fd.org

3:25-mj-00054-MRC-1 Notice has been delivered by other means to:

CRIMINAL PROCEEDINGS — U.S. DISTRICT COURT, EASTERN DISTRICT OF VA, RICHMOND DIVISION

JUDGE: COLOMBELL

DOCKET NO. 3:25mj54

REPORTER: FTR

DATE: 5/21/25

UNITED STATES OF AMERICA

COUNSEL

v.

1. Luis Alonso Argueta-Diaz
Deft appeared via VTC () ZOOM ()1. Mark Duda (u)

APPEARANCES: GOVERNMENT Ellen Theisen (v)
 DEFENDANT WITH COUNSEL (v) DEFENDANT WITHOUT COUNSEL ()
 DEFENDANT NOT PRESENT () WAIVER OF APPEARANCE FILED ()
 INTERPRETER Emilia Trujillo (v)

BAIL STATUS: DEFENDANT ON BOND () DEFENDANT ON SUPERVISED RELEASE ()
 DEFENDANT INCARCERATED (v) BOND NOT SET ()

TYPE OF PROCEEDINGS: INITIAL () ARRAIGNMENT () REARRAIGNMENT/GUILTY PLEA ()
 PRELIMINARY (v) DETENTION (v) MOTIONS () OTHER: Identity (v)
 INITIAL ON SUPERVISED RELEASE/PROBATION VIOLATION () leave (v)

PRELIMINARY PROCEEDINGS: WAIVER OF INDICTMENT EXECUTED, FILED ()
 CRIMINAL INFORMATION FILED ()
 OTHER (x) Deft waives identity hearing (u)

INITIAL HEARING PROCEEDINGS: DATE OF ARREST: GOVT'S MOTION TO UNSEAL ()
 GOVT SUMMARIZED CHARGES () DEFT ADVISED OF RULE 5 RIGHTS ()
 FINANCIAL AFFIDAVIT () COUNSEL TO BE APPOINTED ()
 DEFT TO RETAIN COUNSEL ()
 GOVT'S MOTION TO DETAIN DEFT () ORDER OF TEMPORARY DETENTION ()
 DEFT REMANDED () DETENTION HEARING SET: _____

PRELIMINARY HEARING PROCEEDINGS: GOVT ADDUCED EVIDENCE () DEFT ADDUCED EVIDENCE ()
 ARGUMENTS HEARD () FINDINGS STATED FROM BENCH ()
 DEFT WAIVED HEARING () PROBABLE CAUSE FOUND ()
 MOTION FOR CONTINUANCE () GOVT () DEFT () DEFT REMANDED ()
 WITNESS(ES) _____
* Deft waives preliminary hearing
in this district - requests preliminary in
charging district

DETENTION HEARING PROCEEDINGS: GOVT ADDUCED EVIDENCE (v) ^{by proffer} DEFT ADDUCED EVIDENCE (v)
 ARGUMENTS HEARD (x) FINDINGS STATED FROM BENCH (v)
 DEFT WAIVED HEARING () DEFENDANT CONTINUED ON PRESENT BOND ()
 DEFT HELD W/O BOND () FLIGHT RISK () DANGER ()
 GOVT NOT SEEKING DETENTION () DEFENDANT RELEASED ON BOND (x)
 ELECTRONIC MONITORING () 3rd PARTY CUSTODIAN ()
 DEFT RELEASED ON SAME CONDITIONS AS PREVIOUSLY IMPOSED ()
 MOTION FOR CONTINUANCE () GOVT () DEFT ()
 DEFT REMANDED ()
 WITNESS(ES) * Jose Abel Argueta-Diaz - proposed
3rd party

*Govt motion to
 stay the order of
 release for 48 hours
 pending an appeal
 in the District of New
 Mexico - GRANTED

*Order Setting Conditions
of release is STAYED.

COURT REMINDED COUNSEL OF PROSECUTORIAL OBLIGATIONS AS REQUIRED UNDER RULE 5(F) (x)

CASE CONTINUED TO: _____ FOR _____
 CASE SET: 3:30 BEGAN: 3:49 ENDED: 4:49 TIME IN COURT: 1 hour

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

United States of America

v.

LUIS ALONSO ARGUETA-DIAZ

Defendant

Case No. 3:25MJ054

Charging District's Case No. 2:25MJ01415

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the *(name of other court)* District of New Mexico -
Las Cruces Division

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing, *but I request that that hearing be held in this district* MDI
- ☐ a detention hearing. *in the prosecuting district, at a time set by that court.*
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 5/19/2025Luis Argueta Diaz

Defendant's signature



Signature of defendant's attorney

Mark D. Duda

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

United States of America

v.

LUIS ALONSO ARGUETA-DIAZ

Defendant

Case No. 3:25MJ054

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at:

United States Courthouse

Place

100 North Church Street, Las Cruces, NM 88001

on

6/4/2025 9:00 am

Date and Time

If blank, defendant will be notified of next appearance.

***ANY TIMES AS DIRECTED BY THE COURT,
ATTORNEY, OR PRETRIAL/PROBATION***

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- (☒) (6) The defendant is placed in the custody of:

Person or organization Jose Abel Argueta-Diaz

Address (only if above is an organization) on file with Pretrial

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

- (☒) (7) The defendant must:

- (☒) (a) submit to supervision by and report for supervision to the Probation and Pretrial Services Office, telephone number 804-916-2500, no later than today, prior to exiting the courthouse.

- (☒) (b) continue or actively seek employment.

- (☐) (c) continue or start an education program.

- (☒) (d) surrender any passport to: Pretrial Services or your attorney.

- (☒) (e) not obtain a passport or other international travel document.

- (☒) (f) abide by the following restrictions on personal association, residence, or travel: No travel outside of the Commonwealth of Virginia or the District of New Mexico without the permission of the Court or Pretrial Services. All travel between New Mexico and Virginia shall be by the most direct route.

- (☒) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: co-defendant, co-conspirator, informant, juror, grand juror, officer or agent of the US, local law enforcement officer, or any person defendant suspects is acting in those capacities without permission of the Court. Defendant may meet with AUSA on advice of counsel. This includes the minor victim outlined in the complaint and her family.

- (☐) (h) get medical or psychiatric treatment: Submit to mental health evaluation and comply with any recommended treatment, if directed.

- (☐) (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

- (☐) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

- (☒) (k) not possess a firearm, destructive device, or other weapon. All firearms shall be removed from the residence before release.

- (☒) (l) not use alcohol (☒) at all (☐) excessively.

- (☒) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner. This shall include marijuana.

- (☒) (n) submit to testing for a prohibited substance, if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, wearing a sweat patch, submitting to a breathalyzer, and/or any other form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of substance screening or testing of prohibited substances.

- (☐) (o) participate in a program of inpatient or outpatient substance use treatment, if directed by the pretrial services office or supervising officer.

- (☒) (p) participate in the remote alcohol testing program using continuous electronic alcohol testing and comply with its requirements as directed, including not consuming alcohol. This shall be at the direction of Pretrial Services.

(☐) pay all or part of the cost of remote alcohol testing, including equipment loss or damage, based upon your ability to pay, as determined by the pretrial services or supervising officer.

- (☒) (q) participate in the location monitoring program and comply with the requirements, as directed in subsections i, ii, and iii.

i. Following the location restriction component (check one):

(☐) (1) **Curfew.** You are restricted to your residence every day (☐) from _____ to _____, or (☐) as directed by the pretrial services office or supervising officer; or

(☒) (2) **Home Detention.** You are restricted to your residence at all times except for employment; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; activities approved by the court; or essential activities approved in advance by the pretrial services office or supervising officer; or

(☐) (3) **Home Incarceration.** You are restricted to 24-hour-a-day lockdown at your residence except for medical necessities and court appearances or activities specifically approved by the court; or

(☐) (4) **Stand-Alone Monitoring.** You have no residential component (curfew, home detention, or home incarceration) restrictions. However, you must comply with the location or travel restrictions as imposed by the court. **Note:** Stand-alone monitoring should be used in conjunction with global positioning system (GPS) or virtual mobile application technology.

ADDITIONAL CONDITIONS OF RELEASE

(ii) submit to the following location monitoring technology (**check one**):

- ☒ (1) Location monitoring technology as directed by the pretrial services or supervising officer; or
☐ (2) GPS; or
☐ (3) Radio Frequency; or
☐ (4) Voice Recognition; or
☐ (5) Virtual Mobile Application. You must allow the pretrial services or supervising officer to conduct initial and periodic inspections of the mobile device and mobile application to verify that 1) the monitoring software is functional, 2) the required configurations (e.g., locational services) are unaltered, and 3) no efforts have been made to alter the mobile application.

(iii) ☒ pay all or part of the cost of location monitoring, including equipment loss or damage, based upon your ability to pay, as determined by the pretrial services or supervising officer

☒ (r) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

☒ (s) maintain contact with your attorney. If you are found guilty or plead guilty you must report to a probation officer for the purpose of preparation of a presentence report. In the event that you are found guilty or plead guilty, you must be prepared to go immediately to jail if the law so requires or if the court determines in light of your conviction that detention is appropriate.

☒ (t) Defendant shall reside with Jose Abel Argueta-Diaz at the address on file with Pretrial Services and shall not move without advance permission of Pretrial Services or the Court.

☒ (u) Defendant shall submit to alcohol treatment if directed by Pretrial Services.

☒ (v) Defendant shall not operate a motor vehicle without a valid driver's license.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Defendant's Signature

City and State

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- (✓) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: _____

/s/

Judicial Officer's Signature

Mark R. Colombell U.S. Magistrate Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**UNITED STATES OF AMERICA,
v.**

Criminal Case No. 3:25MJ054

LUIS ALONSO ARGUETA-DIAZ,

Defendant.

ORDER

This matter is before the Court for an identity hearing, preliminary hearing, and detention hearing relating to a Criminal Complaint filed in the District of New Mexico alleging a violation of Title 8 U.S.C. 1324(a)(1)(A)(v)(I), (a)(1)(A)(ii); Conspiracy to Transport an Illegal Alien.

During the hearing on May 21, 2025, Defendant agreed to waive his right to an identity hearing and production of the warrant. Further, Defendant waived his right to a Preliminary hearing in this district and requested a Preliminary hearing in the charging district. The Court proceeded with a detention hearing, and heard evidence and argument from counsel.

For the reasons stated on the record and pursuant to 18 U.S.C. § 3142, the Court found that there were conditions or a combination of conditions that could be imposed to ensure Defendant's appearance and the safety of the community, and conditions of release were imposed. Following this finding, the Government moved to stay the Court's order of release and the Order Setting Conditions of Release (ECF No. 8.) pending an appeal to a district judge in the District of New Mexico. The Court GRANTED the government's oral motion. The Order Setting Conditions of Release (ECF No. 8) is hereby STAYED for a period of forty-eight (48) hours to allow the government to file an appeal of this Court's decision in the District of New Mexico. Defendant shall remain in custody of the United States Marshals pending the determination of the appeal, if filed, by the District of New Mexico. If no appeal

is filed within the forty-eight hours, Defendant shall be released on the conditions outlined in Order Setting Conditions of Release (ECF No. 8.)

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the United States Marshal Service, the Pretrial Services Office, and all counsel of record.

Date: May 22, 2025
Richmond, Virginia

/s/ MRC
Mark R. Colombell
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA

v.

Criminal Case No. 3:25MJ054

**LUIS ALONSO ARGUETA-DIAZ,
Defendant.**


ORDER

This matter comes before the Court on its own initiative. In accord with the Due Process Protections Act and Rule 5(f) of the Federal Rules of Criminal Procedure, this Court CONFIRMS the United States' obligation to disclose to the defendant all exculpatory evidence, that is, evidence that favors the defendant or casts doubt on the United States' case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and hereby ORDERS the United States to do so. Failure to disclose exculpatory evidence in a timely manner may result in serious consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

The judge presiding over the first scheduled court date when both prosecutor and defense counsel are present shall give oral notice of the provisions in this Order. The presiding judge, pursuant to the Due Process Protections Act, shall also enter a written order in compliance with this Order.

Having given counsel the oral admonition required by the Due Process Protections Act, this Order serves as the reminder of prosecutorial obligation and duties in accordance with Rule 5(f) and the Eastern District of Virginia Standing Order concerning the same.

It is SO ORDERED.

/s/ 

Mark R. Colombell
United States Magistrate Judge

Date: May 22, 2025
Richmond, Virginia

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. <u>25-MJ-1415</u>
vs.)	
)	
LUIS ALONSO ARGUETA-DIAZ,)	
)	
Defendant.)	

UNITED STATES' MOTION TO REVOKE RELEASE ORDER

Pursuant to 18 U.S.C. § 3145(a)(1), the United States respectfully requests the Court to revoke Eastern District of Virginia United States Magistrate Judge Colombell's May 21, 2025, order setting conditions of release in this case.

I. Background

On May 8, 2025, Defendant was charged with Conspiracy to Transport an Illegal Alien, and on May 19, 2025, he was arrested in the Eastern District of Virginia.

On May 21, 2025, Defendant appeared for his detention hearing in the Eastern District of Virginia, and the judge ordered Defendant released on conditions, but stayed execution of his order for 48 hours, pending the filing of this motion.¹

II. Facts of the Case

The facts of the case are that the 35-year-old Defendant conspired to smuggle a 17-year-old pregnant Honduran citizen to the United States to help care for his children. When agents

¹ Judge Colombell's chambers advised that once this motion is filed, Defendant will remain in custody pending a hearing by a district judge in New Mexico.

encountered the pregnant minor, near Santa Teresa, New Mexico, on May 3, 2025, the minor stated that she was on her way to Virginia to live with Defendant who she said was her boyfriend of approximately one year. When agents interviewed Defendant, he stated that he did arrange for the minor's trip from Honduras to the United States, and paid \$2,000 so far to have her smuggled to Virginia to live with him, and help him care for his children.

Defendant is a Legal Permanent Resident of the United States, and if convicted of the charged offense, Defendant is very likely going to be deported to his home county, Honduras.

In determining whether there are conditions of release that can be fashioned to reasonably assure the appearance of a defendant and the safety of the community, the Court must consider:

- a. The nature and circumstances of the offense;
- b. The weight of the evidence against the defendant;
- c. The defendant's ties to the community, financial resources, and criminal history;
- and
- d. Whether the defendant is on parole, probation, or other release pending criminal charges in another case (federal, state, or local).

18 U.S.C. § 3142(g)(1)-(4). "The government must prove risk of flight risk by a preponderance of the evidence, and it must prove dangerousness to any other person and the community by clear and convincing evidence." *United States v. Cisneros*, 328 F.3d 610, 616 (10th Cir. 2003); 18 U.S.C. § 3142(f). Here, the nature and circumstance of the offense, weight of the evidence, and Defendant's status in the United States all warrant detention of Defendant as both a flight risk and a danger to the community.

As to the nature and circumstances of the offense, Defendant, a 35-year-old male, conspired to transport a pregnant minor from Honduras to the United States, putting the minor at great risk. More disturbing, however, is the fact that the minor told agents that Defendant was her boyfriend, and that he was paying for her to be smuggled to his home

in Virginia, which could give rise to additional federal charges. *See* 18 U.S.C. § 2423(a) (Transportation of minors).

As to the strength of the case, the case is strong. Defendant confessed to knowingly transporting the minor from Honduras, to multiple agents on two separate occasions, in two different jurisdictions. Defendant first confessed to a New Mexico HSI agent on or about May 4, 2025, during a telephonic interview. During that interview, Defendant told the agent that he knew the minor was en route to Virginia to live with him, that he wanted to help the minor be in a safe place, and that he wanted the minor to help him take care of his three children. He further stated that he paid \$2,000 for the purpose of smuggling the minor to Virginia.

Defendant confessed a second time on May 5, 2025, to HSI agents in Richmond, Virginia during an in-person interview. During that interview, Defendant explained that he sent \$2,000 to his mother so that she could give the money to the minor's mother to assist with the smuggling fee, and that the minor would live with him, and help care for his children.

Additionally, the minor told agents that Defendant paid to have her smuggled from Honduras to Virginia to live with him.

Given the nature and circumstances of the offense, the strength of the case, and the fact that Defendant is very likely going to be deported when this case is over, Defendant has no incentive to abide by conditions of release, and there are no conditions or combination of conditions that will reasonably assure his appearance at any future court proceedings. Additionally, Defendant's efforts to transport a pregnant minor from Honduras to Virginia, and Defendant's alleged relationship with the pregnant minor

demonstrate that he is a danger to the community, and that no condition or combination of conditions will reasonably assure the safety of any person or the community.

WHEREFORE, for the foregoing reasons, the United States respectfully requests the Court to revoke Judge Colombell's May 21, 2025, order setting conditions of release, and to detain Defendant pending resolution of this case, as both a flight risk and danger to the community.

Respectfully submitted,

RYAN ELLISON
United States Attorney

Filed Electronically May 22, 2025

MARK A. SALTMAN
Assistant U.S. Attorney
200 N. Church Street
Las Cruces, New Mexico 88001
(575) 522-2304

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification to defense counsel of record.

Electronically Filed May 22, 2025

MARK A. SALTMAN
Assistant U.S. Attorney